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BEFORE THE STATE ADMINISTRATIVE TRIBUNAL BENCH AT  
RAIPUR CHHATTISGARH.

O.A.No. /2001 (WP/15) 3796/01

Sita Ram Shrivastava,  
son of Shri Sakha Ram  
Asstt. Teacher, Primary School  
Bagoud, Block Dabhara,  
District Janjgir C.G. ... Applicant

VERSUS

1. State of Chhattisgarh,  
Through Secretary,  
School Education Department,  
Mantralaya, D.K.S. Bhawan,  
Raipur, Chhattisgarh.

2. Director,  
Public Instructions Chhattisgarh  
Pension Bada, Raipur (C.G.).

3. District Education Officer,  
District Janjgir Champa,  
Chhattisgarh. ... Non applicants

APPLICATION UNDER SECTION 19 OF THE STATE ADMINISTRATIVE  
TRIBUNAL ACT 1985.

**SB: Hon'ble Mr. Justice Satish K. Agnihotri, J.**

V. V. S. Murthy, Deputy Advocate General with Smt. Anju Ahuja, Deputy Govt. Advocate for the respondents/State.

( Passed on this 9<sup>th</sup> day of March, 2007)

1. The petitioner while working as Assistant Teacher in Primary School, Bagoud, Block - Dabhara, District – Janjgir Champa was transferred to Middle School, Rekara Bhand, Dabhara, on the same terms and conditions vide impugned order dated 10.9.2001 (Annexure A/1).
2. The Madhya Pradesh Administrative Tribunal at Raipur vide interim order dated 22.9.2001 directed to maintain status quo in regard to the position of the petitioner as it was prevailing on 17.9.2001. By virtue of the interim order the petitioner is working at the original place of posting.
3. Be that as it may, with the passage of time this petition has become infructuous as period of transfer is not applicable forever. At this point of time there is no question to examine the validity of the transfer order. However, the respondents are at liberty to pass appropriate orders keeping in view the public interest and administrative exigency, without insisting on compliance of the impugned transfer order.
4. It is well settled principle of law that transfer is an incident of service and it is for the employer to decide as to where a particular officer/employee be posted, keeping in view public interest as well as administrative exigency. This Court has limited jurisdiction to interfere in the transfer matter and this Court can interfere only in the case of proved malafide, non-competence of authority passing the transfer order and transfer order not being in conformity with the rules and regulations.
5. In view of the above, this petition stands disposed of. No order as to costs.

**Sd/-**  
**Satish K. Agnihotri**  
**Judge**